



**Colorado
Legislative
Council
Staff**

HB16-1030

**REVISED
FISCAL NOTE**

(replaces fiscal note dated February 1, 2016)

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0189
Prime Sponsor(s): Rep. Brown; Court
Sen. Donovan

Date: March 4, 2016
Bill Status: Senate Local Government
Fiscal Analyst: Erin Reynolds (303-866-4146)

BILL TOPIC: OFF-HIGHWAY VEHICLES REGULATION & LOCAL GOVERNMENT

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	Minimal workload increase.	
Appropriation Required: None.		
Future Year Impacts: Ongoing minimal workload increase.		

Summary of Legislation

Under current state regulations, any person ten years of age or older can operate an off-highway vehicle (OHV) on approved routes as long as he or she is accompanied by and under the immediate supervision of a person who has a valid driver's license. The **reengrossed** bill allows local governments, acting by ordinance or resolution, to require all OHV operators to have a driver's license (i.e., be 16 years of age or older) or carry liability insurance while operating within the entity's jurisdiction. Any resolution or ordinance adopted by a local government in this regard is not in conflict with state regulations specifying different age requirements for OHV operators. The bill makes an exception for those OHVs operating during emergency conditions and those used for agricultural purposes.

The bill also requires a municipality that chooses to regulate the crossing of a state highway by OHVs within its jurisdiction to submit a written request to the regional office of the Colorado Department of Transportation (CDOT) to approve the regulation. The CDOT may not unreasonably withhold its approval, and if the request is not answered within 60 days, it is considered approved.

Background

Off-Highway Vehicle Interim Committee. During the 2015 interim, the six-member OHV Interim Committee held five meetings during the 2015 interim in order to study safety issues, access issues, and regulation necessary to operate OHVs on roads.

Colorado Parks and Wildlife OHV Registration and Trail Grant Program. Under current law, Colorado Parks and Wildlife issues registrations and use permits for OHVs (specifically all-terrain vehicles, utility vehicles, 3-wheelers, dirt bikes, jeeps, and dune buggies), so that these

vehicles may use public lands or trails in Colorado. Certain OHVs are exempt from registration, such as those used for agricultural purposes. In FY 2014-15, the CPW registered 135,000 in-state OHVs (170,000 total, including out-of-state), and funded \$4.2 million in trail project grants.

Current ordinances and Colorado Parks and Wildlife Rule #504. The counties that are home to the Alpine Loop Trail—Ouray, Hinsdale, San Juan, and San Miguel—passed ordinances between 2002 and 2007 requiring OHV users to have driver's licenses and liability insurance to use their trails. Other counties and municipalities have adopted similar ordinances, such as Mesa County and the City of Montrose. In November 2013, the Attorney General sent a letter on behalf of Colorado Parks and Wildlife to the Alpine Loop counties to inform these entities that their request for an OHV trail grant to fund the Alpine Ranger Program was denied because these counties had ordinances in conflict with Colorado Parks and Wildlife Rule #504, which established the minimum age for OHV operation at 10 years of age if under the immediate supervision of a person who has a valid driver's license.

State Expenditures

CDOT's regional offices are anticipated to have a minimal increase in workload to process state highway crossing approvals for municipalities. This workload can be accomplished within existing appropriations.

Local Government Impact

Those local governments that already have ordinances regulating OHV driver age and liability insurance coverage on their trails, such as the Alpine Loop counties in southwest Colorado, are expected to be eligible for trail grant funding, pending no further legal challenges.

Going forward, when a local government adopts a resolution or an ordinance to regulate OHV driver age or liability insurance coverage, or regulates a state highway crossing, costs and workloads for those entities will minimally increase. Costs will be for notifying the public through signage and printed materials, while workload increases relate to gathering public input, administering the new resolution or ordinance, and, where applicable, notifying CDOT.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

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Research Note Available

An LCS Research Note for HB 16-1030 is available online and through the iLegislate app. Research notes provide additional policy and background information about the bill and summarize action taken by the General Assembly concerning the bill.